

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TAMARA L. BRANNON,)	
)	
Plaintiff,)	NO. 3:21-cv-00360
)	
v.)	JUDGE RICHARDSON
)	
KILOLO KIJAKAZI, Commissioner of)	
Social Security,)	
)	
Defendant.)	

ORDER

Pending before the Court is Defendant’s “Motion for Entry of Judgment Under Sentence Four, 42 U.S.C. § 405(g)” (Doc. No. 27, “Motion”), supported by an accompanying Memorandum of Law (Doc. No. 28). Via the Motion, Defendant requests that the Court enter a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure reversing the ALJ’s decision and remanding this case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). Defendant represents that Plaintiff does not oppose the Motion. (Doc. No. 27 at 1).

Remand for further evaluation under sentence four of 42 U.S.C. § 405(g) is proper when further evaluation of the evidence is required. *See Brooks v. Comm’r of Soc. Sec.*, 531 F. App’x 636, 644 (6th Cir. 2013). Here, Defendant contends that further evaluation of the evidence is required, because the ALJ “did not adequately evaluate the opinion of Plaintiff’s psychiatrist, Dr. Indukuri, as it pertained to Plaintiff’s ability to work with pressure (Tr. 23). The decision also did not adequately evaluate the opinion of Dr. Brown as it pertained to Plaintiff’s social functioning (Tr. 23).” (Doc. No. 28 at 1).

In light of the representations by Defendant, and the lack of opposition by Plaintiff, the Motion is GRANTED. The decision of the Commission of Social Security is hereby REVERSED, and this action is REMANDED for further proceedings. *See Shalala v. Schaefer*, 509 U.S. 292, 297 (1993) (holding that a district court remanding a case pursuant to “sentence four” of the Social Security Act must enter judgment either affirming, reversing or modifying the administrative decision, and may not retain jurisdiction over administrative proceedings on remand).

The Clerk shall enter final judgment pursuant to Federal Rule of Civil Procedure 58 and close this case.

IT IS SO ORDERED.


ELI RICHARDSON
UNITED STATES DISTRICT JUDGE